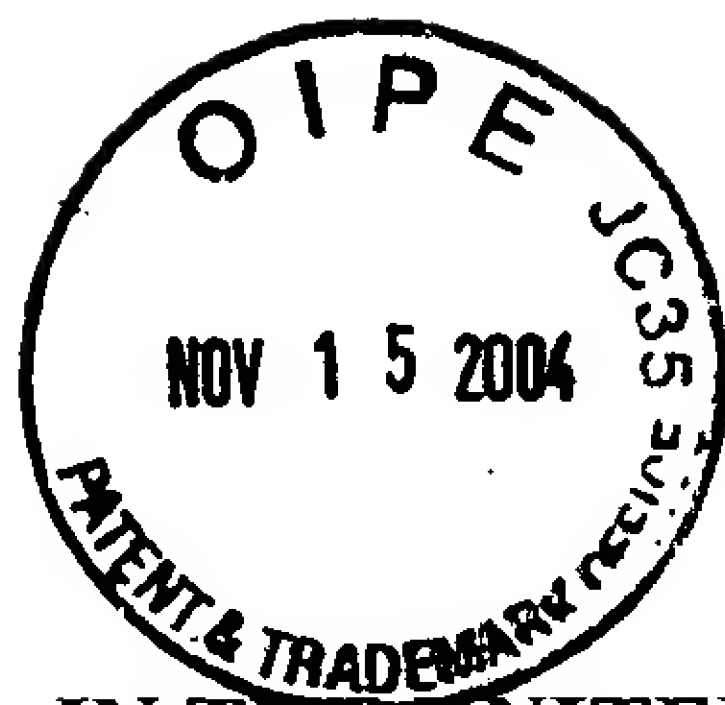


PATENT



ATTORNEY DOCKET NO. 056116-5009-01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: BRIGHT *et al.*

Application No.: 09/405,839

Group Art Unit: 1638

Filed: September 27, 1999

Examiner: G. Helmer

For: IMPROVED PLANT GERMPLASM

MAIL STOP AF

U.S. Patent and Trademark Office
Arlington, VA 22202

Sir:

NOTICE OF APPEAL TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the Examiner dated May 28, 2004, rejecting the following claims 39, 43 and 93.

Notice of Appeal Fee - 37 C.F.R. § 1.17(b)

- [X] The Commissioner is authorized to charge the appeal fee of \$340.00 to Deposit Account No. 50-0310.
- [X] **Except** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and § 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).


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Respectfully submitted,

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By:


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Dated: November 15, 2004
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